

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices at the Grade Crossings of the Wisconsin Central Ltd. Tracks with Broken Arrow Road and Market Road in the Town of Marshall, Rusk County

9164-RX-650

FINDINGS OF FACT AND ORDER

On July 28, 2006 the Commissioner of Railroads directed the staff of the Office of the Commissioner of Railroads (OCR) to investigate the adequacy of warning devices under §195.28, Stats., at the grade crossing of the Wisconsin Central Ltd. (WCL) tracks with Broken Arrow Road and Market Road in the Town of Marshall, Rusk County (Crossing Nos. 697 290L / MP 342.28 and 697 292A / MP 344.38).

An OCR investigator inspected the crossings in August 2006. No hearing was held.

Findings of Fact

THE COMMISSIONER FINDS:

The Wisconsin Central Ltd. operates 15 train movements per day over each crossing at a timetable speed of 60 mph. Each crossing consists of one mainline track. There is a track switch and track controls a short distance from the Broken Arrow Road crossing.

Broken Arrow Road

Crossing Nos. 697 290L / MP 342.28

Broken Arrow Road is about 22' wide with an asphalt surface and intersects the railroad tracks at an angle of about 45° (right-hand forward). Broken Arrow Road carried an estimated average daily traffic (ADT) of 75 according to DOT records at a legal speed limit of 55 mph.

A motorist traveling at 55 mph requires a safe stopping distance of 527'. The crossing is visible from more than 527' in each direction. Assuming a train speed of 60 mph, a motorist traveling at 55 mph needs to see a train when it is 550' from the crossing from a point 527' down the highway. The sight distance available in each quadrant from the safe stopping distance is inadequate.

The exposure factor at this crossing is about 1100. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

Two train-vehicle accidents have occurred at this crossing since 1973. The accidents occurred in 1998 and 1978.

The Wisconsin Department of Transportation has produced a benefit-cost analysis for all at-grade crossings in the state. Installing new automatic flashing lights with gates and constant warning time circuitry at the Broken Arrow Road crossing has a net benefit of about \$212,000.

Accidents that do occur here will likely be quite serious if a through train is involved due to their 60 mph speed. Train speed is strongly correlated with fatalities in train/vehicle accidents. More specifically, crossings with train speeds of 40 mph and over have a disproportionate number of fatalities. According to Federal Railroad Administration (FRA) statistics, nationally, in 1994 71% of fatalities occurred at crossings with train speeds of 40 mph+, even though only 26% of all crossings had train speeds of 40 mph+.

The crossing is presently protected with crossbucks and stop signs. The existing warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety 12" LED automatic flashing lights with gates and constant warning time circuitry are needed because of the inadequate sight distance, train speed, and projected net benefit.

Market Road

Crossing No. 697 292A / MP 344.38

Market Road is about 20' wide with a crushed aggregate surface and intersects the railroad tracks at an angle of about 45° (left-hand forward). Market Road carried 45 ADT according to DOT records at a legal speed limit of 55 mph.

A motorist traveling at 55 mph requires a safe stopping distance of 527'. The crossing is visible from more than 527' in each direction. Assuming a train speed of 60 mph, a motorist traveling at 55 mph needs to see a train when it is 550' from the crossing from a point 527' down the highway. The sight distance available in each quadrant from the safe stopping distance is inadequate.

The exposure factor at this crossing is 700.

Two train-vehicle accidents have occurred at this crossing since 1973. The accidental crashes occurred in 2001 and 1987.

Accidents that do occur here will likely be quite serious if a through train is involved due to their 60 mph speed.

The crossing is presently protected with crossbucks and stop signs. The existing warning devices are inadequate. The existing warning devices will be adequate until such time as the new warning devices are installed. In order to adequately protect public safety 12" LED automatic flashing lights with gates and constant warning time circuitry are needed because of the poor sight distance and high train speed. The railroad shall re-use signals from another location to the maximum extent possible.

Constant warning time circuitry adjusts for train speed and causes the crossing signals to always operate for the same amount of time before the train reaches the crossing, regardless of train speed. A motion detector simply detects the train operation, but does not adjust for train speed so that the amount of warning time varies based on train speed.

Light emitting diodes (LED) lamps replace incandescent bulbs. LEDs have higher conspicuity, a wider cone of vision, and longer life than incandescent lights. LEDs are especially useful on east-west roadways where the rising and setting sun may make the signals difficult to see.

Source of funding: The signal materials and installation shall be paid from OCR safety funds.

Conclusion on the Issue

THE COMMISSIONER CONCLUDES:

That in order to adequately protect and promote public safety, it is necessary to install and maintain 12" LED automatic flashing lights with gates and constant warning time circuitry at the crossing of the tracks of the Wisconsin Central Ltd. with Broken Arrow Road and Market Road in the Town of Marshall, Rusk County.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the jurisdiction of the Office of the Commissioner of Railroads under §195.28, Stats., extends to this matter. Accordingly, the Office enters an order consistent with the findings of fact.

Order

THE COMMISSIONER ORDERS:

1. That the **Wisconsin Central Ltd.** shall install and maintain 12" LED automatic flashing lights with gates, and constant warning time circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with **Broken Arrow Road** at-grade in the Town of Marshall, Rusk County by **December 31, 2008** (Crossing No. 697 290L / MP 342.28).

2. That the **Wisconsin Central Ltd.** shall install and maintain 12" LED automatic flashing lights with gates, and constant warning time circuitry with appropriate appurtenances in accordance with such plans as are filed with and approved by the Office of the Commissioner of Railroads at the crossing of its tracks with **Market Road** at-grade in the Town of Marshall, Rusk County by **December 31, 2008** (Crossing No. 697 292A / MP 344.38).

3. That the **Wisconsin Central Ltd.** shall submit to the Office of the Commissioner of Railroads signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the Wisconsin Department of Transportation.

4. That the signal installation work herein ordered shall not begin until the district office of the Wisconsin Department of Transportation informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured. The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

5. That to the extent feasible the **Wisconsin Central Ltd.** shall use salvaged signal equipment at the **Market Road** crossing.

6. That the **Wisconsin Central Ltd.** shall bear no part of the cost of the crossing signals installation, except for any cost assessed to the railroad pursuant to §195.60, Stats., for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

7. That if the petitioner, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the Office will hold a public hearing.

8. That jurisdiction is retained.

Dated at Madison, Wisconsin, _____ (August 18, 2006)_____.

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen
Commissioner of Railroads